

**116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-5100-2022

Date of decision : 14.11.2022

Gurmail Kaur

...Petitioner

Vs.

Balkar Singh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Goyal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this revision petition under Article 227 Constitution of India for setting aside the order dated 16.08.2022 (Annexure P-3) passed by Additional Civil Judge (Senior Division), Sangrur in Civil Suit No.CS-180/2019, whereby her evidence has been closed by court order.

Learned counsel for the petitioner submits that the petitioner (plaintiff) has filed a suit for permanent injunction, wherein after completion of pleadings, the issues were framed on 22.02.2021. He submits that soon thereafter, there was second wave of pandemic COVID-19 and by virtue of the restrictions imposed by the administration, the suit proceedings were delayed. He has drawn the attention of the Court to the zimni orders to submit that the case was fixed for 22.03.2021 for the first time for plaintiff's evidence and though many opportunities were given to the plaintiff, but she was failed to conclude the evidence and the trial Court has passed the extreme order for closing her evidence despite grant of last opportunity. He prays that in case one opportunity is granted to the plaintiff, no prejudice would be caused to the other side, who is yet to lead their evidence.

In view of the limited relief prayed for by the petitioner, this Court

is not inclined to issue notice to the respondents, as it may cause unnecessary burden upon them and the nature of order would not cause any prejudice to them, who can be compensated with costs. However, it is made clear that in case, the respondents feel that the petitioner has not approached this Court with clean hands, it shall be open for them to seek recalling of this order.

Upon hearing learned counsel and considering the grounds set up for seeking last opportunity to conclude the evidence, this Court deems it appropriate to allow one opportunity to the plaintiff to conclude her entire evidence, at her own responsibility, subject to payment of costs of Rs.10,000/- to the defendants.

Resultantly, the petition is allowed, the impugned order dated 16.08.2022 (Annexure P-3) is set aside and the petitioner is granted last opportunity to conclude her evidence.

(MANOJ BAJAJ)
JUDGE

14.11.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No